

Message Text

CONFIDENTIAL

PAGE 01 STATE 131869

21

ORIGIN PM-03

INFO OCT-01 ARA-06 EUR-12 ISO-00 CIAE-00 DODE-00 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 OMB-01 AID-05 MC-02 ACDA-05 EB-07 /084 R

DRAFTED BY PM/SAS:RWSMITH:RG

APPROVED BY PM/SAS:SWINSHIP

L/PM - MR. BOREK

ARA/LA/CEN - MR. CLARE

PM/SAS - MR. JAMES

PM/MC - MR. BRYANT

EUR/EE - MR. GILMORE

DOD/DSAA - MR. BETTELEY

DOD/ISA - MR. AKALOVSKY

DOD/ISA - CDR. STEELE

----- 070038

R 052313Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY BELGRADE

INFO AMEMBASSY TEGUCIGALPA

C O N F I D E N T I A L STATE 131869

E.O. 11652: GDS

"" YO, HO

TAGS: MASS, YO, HO

SUBJECT: SALE OF F-86 AIRCRAFT FROM GOY TO HONDURAS

REF: A) BELGRADE 2389 B) TEGUCIGALPA 2001 C) BELGRADE A-185

1. WE NOTE FROM REFS A AND C THAT GOY REQUEST FOR USG APPROVAL OF F-86 TRANSFER APPEARS TO ENVISAGE SALE BY GOY TO FIRMS FOR RESALE TO GOH. USG CANNOT APPROVE THIRD PARTY TRANSFERS OF US ORIGIN MILITARY EQUIPMENT WHEREBY TRANSFERRING GOVERNMENT SELLS TO COMMERCIAL FIRMS FOR RESALE TO FOREIGN GOVERNMENTS. ALL TRANSACTIONS UNDER CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 131869

USG'S THIRD-PARTY TRANSFER PROCEDURES MUST BE GOVERNMENT-

TO-GOVERNMENT. IN ADDITION, WE ARE REQUIRED TO NOTIFY THE CONGRESS IN ADVANCE BEFORE APPROVING TRANSFER OF US -ORIGIN DEFENSE ITEMS IN ACCORDANCE WITH SECTION 3(A) OF THE FOREIGN MILITARY SALES ACT (FMSA) AS AMENDED. THIS SECTION OF US LAW REFERS TO TRANSFERS TO FOREIGN COUNTRIES AND DOES NOT MENTION COMMERCIAL FIRMS. CONGRESS HAS IN THE PAST OBJECTED TO THIRD-PARTY TRANSFERS BEING MADE DIRECTLY TO SUCH FIRMS.

2. FOR THESE REASONS, IT IS NECESSARY TO CLARIFY GOY REQUEST. WE BELIEVE THAT BEST WAY TO ACCOMPLISH THIS WITHOUT RAISING SUSPICIONS OF YUGOSLAVS THAT USG IS INSTITUTING NEW REQUIREMENT IS FOR EMBASSY TO SEND LETTER AS SOON AS POSSIBLE TO APPROPRIATE GOY OFFICIALS EMPHASIZING THAT TRANSFER OF TITLE TO TEN AIRCRAFT AND FOUR SPARE ENGINES MUST PASS DIRECTLY FROM GOY TO GOH. LETTER COULD EXPLAIN THIS POSITION ON BASIS POINTS RAISED PARA 1 ABOVE. YOU COULD ALSO USE SUBSTANCE OF PARA 3 BELOW TO SHOW THAT THIS IN NO WAY CHANGES BASIC TRANS-ACTION AND USE OF COMMERCIAL FIRMS THEREIN. YOU SHOULD REQUEST WRITTEN ACKNOWLEDGEMENT FROM YUGOSLAVS THAT THEY UNDERSTAND AND ACCEPT US POSITION REGARDING TRANSFER OF TITLE. UPON NOTIFICATION THAT EMBASSY HAS RECEIVED SUCH ACKNOWLEDGEMENT, WE WILL PROCEED WITH CONGRESSIONAL NOTIFICATION.

3. THIS ACTION IS NOT INTENDED TO KEEP THE COMMERCIAL FIRMS INVOLVED IN THIS TRANSACTION FROM SERVING AS MIDDLEMEN, BROKERS, FREIGHT FORWARDERS, OR ANY OTHER INTERMEDIARY TYPE OF ROLE THEY MAY ESTABLISH. ANY SUCH ROLE IS ENTIRELY A MATTER BETWEEN THE FIRMS AND THE GOVERNMENTS INVOLVED. THE QUESTION OF USG EXPORT LICENSING, WHICH MUST BE OBTAINED ONLY IF AIRCRAFT PASS THROUGH US ON WAY TO HONDURAS, WOULD NOT THEREBY BE AFFECTED. THE ONLY POINT THAT WE MUST INSIST ON IS THAT LEGAL TITLE TO AIRCRAFT AND SPARE ENGINES PASS DIRECTLY FROM GOY TO GOH, AND NOT TO COMMERCIAL FIRMS. DEPARTMENT IS PREPARED TO EXPLAIN THIS TO THE FIRMS.

4. FOR TEGUCIGALPA: SINCE SECTION 3(A) OF FMSA REQUIRES
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 131869

USG TO RECEIVE THIRD PARTY TRANSFER ASSURANCES FROM PROPOSED RECIPIENT, DEPARTMENT WILL SEND BY SEPTTEL (ONCE REVISED GOY REQUEST IS RECEIVED) STANDARD TEXT OF DIPLOMATIC NOTE THAT YOU CAN SEND TO FOREIGN MINISTRY REQUESTING SUCH ASSURANCES. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY AIRCRAFT, SPARE PARTS, MILITARY SALES, REEXPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE131869
Document Source: CORE
Document Unique ID: 00
Drafter: RWSMITH:RG
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750197-1100
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750676/aaaacrj.tel
Line Count: 112
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 BELGRADE 2389, 75 TEGUCIGALPA 2001, 75 BELGRADE A-185
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 02 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 JUL 2003 by KelleyW0>; APPROVED <12 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SALE OF F-86 AIRCRAFT FROM GOY TO HONDURAS
TAGS: MASS, YO, HO
To: BELGRADE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006